

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SPM-01 HEW-08 SCI-06 CIAE-00 DODE-00

INR-10 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01 SP-03 L-03

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E.O. 11652: N/A

TAGS: PGOV, EI

SUBJ: CONTRACEPTION ISSUE AGAIN THREATENS DAIL

SUMMARY: BY INTRODUCING HIGHLY RESTRICTIVE BILL TO LEGALIZE CONTRACEPTIVES, GOI HAS IRRITATED BOTH CONSERVATIVES AND LIBERALS. THERE IS A GOOD CHANCE OPPOSITION COULD DEFEAT GOVERNMENT ON BILL, AND SOME OBSERVERS BELIEVE GENERAL ELECTION COULD RESULT. WE DOUBT COSGRAVE WOULD CALL ELECTION ON THIS ISSUE, BUT HE WOULD CERTAINLY BE EMBARRASSED, AND EFFECTS ON NORTH-SOUTH RELATIONS WOULD BE UNFORTUNATE. RATHER THAN FACE THESE PROBLEMS, GOVT MAY OPT FOR ANOTHER LONG DELAY IN CONSIDERATION OF ISSUE. IN MEANTIME, THIS IS HOTTEST POLITICAL ISSUE IN MEDIA, AND COSGRAVE GOVT IS DRAWING MOST INTENSIVE CRITICISM IT HAS EVER RECEIVED. END SUMMARY

1. ON MARCH 27, GOI CIRCULATED TO DAIL DEPUTIES ITS BILL TO REGULATE IMPORT, SALE AND MANUFACTURE OF CONTRACEPTIVES. BILL WOULD ALLOW SALE TO MARRIED PERSONS ONLY AND WOULD BAN "ABORTIFACIENTS" (UNDEFINED), WITH STIFF PENALTIES FOR BREAKING LAW ON EITHER COUNT. BOTH RESTRICTIONS ARE ALREADY RAISING QUESTIONS AS TO FEASIBILITY AND CONSTITUTIONALITY. THEY ARE ALSO SUBJECT OF RIDICULE IN PRESS AND OPPOSITION PARTY.

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2. CONTACTS CLOSE TO GOVT TELL US DRAFTERS REALIZE BILL'S RESTRICTIONS WILL PRESENT ENFORCEMENT PROBLEMS. GOI BELIEVES, HOWEVER, THAT IT MUST TABLE MOST RESTRICTIVE BILL POSSIBLE TO MINIMIZE DEFECTIONS FROM GOVT BENCHES WHEN VOTE COMES. GOVT'S POSTURE IS THAT SUPREME COURT DECISION HAS ALREADY LEGALIZED CONTRACEPTIVES AND THAT BILL IS NEEDED TO RESTRICT AVAILABILITY. ARGUMENT HAS APPARENTLY NOT MADE MUCH IMPRESSION ON HARD-LINE OPPONENTS OF CONTRACEPTION, WHO HAVE ARRANGED SUBSTANTIAL GRASS-ROOTS CAMPAIGN AGAINST BILL. GOVT HAS THUS OFFENDED BOTH LIBERALS AND CONSERVATIVES. FOR FIRST TIME SINCE IT TOOK OFFICE A YEAR AGO, COSGRAVE GOVT IS DRAWING WIDESPREAD CRITICISM.

3. MOST GOVT DEPUTIES WANT WHIP TO BE IMPOSED SO THAT THEY CAN TAKE REFUGE FROM COMPLAINTS UNDER PARTY DISCIPLINE. SOME OPPONENTS OF CONTRACEPTION HAVE GENUINE MORAL OBJECTIONS, HOWEVER, AND HAVE OPPOSED IMPOSITION OF WHIP. AFTER MUCH WAVERING, BOTH GOVT PARTIES HAVE DECIDED TO ALLOW "FREE VOTE" (NO WHIP). AFTER 8-10 FINE GAEL DEPUTIES ARE EXPECTED TO VOTE AGAINST BILL, PLUS TWO OR THREE FROM LABOR.

4. WITH SO MANY GOVT DEFECTIONS, OPPOSITION FIANNA FAIL PARTY WILL PROBABLY BE ABLE TO DEFEAT BILL IF IT DECIDES TO IMPOSE WHIP AGAINST IT. WE SEE SIGNS THAT JACK LYNCH FAVORS FREE VOTE, BUT THERE IS A VERY GOOD CHANCE THAT HE WILL LOSE ARGUMENT TO HARD-LINERS. FIANNA FAIL IS SPLIT ON ISSUE OF CONTRACEPTION BUT ABSOLUTELY UNITED ON DESIRABILITY OF EMBARRASSING GOVT. IF GOVERNING COALITION CANNOT PASS A LAW TO IMPLEMENT SUPREME COURT DECISION, IT WILL INDEED BE SERIOUSLY EMBARRASSED. EVERYONE IS CONSCIOUS OF PARALLEL WITH 1951, WHEN ANOTHER COALITION GOVT FELL AFTER FAILING TO PUSH THROUGH AN EARLIER SOCIAL REFORM ("MOTHER-AND-CHILD" HEALTH CARE) AGAINST OPPOSITION OF FIANNA FAIL AND CHURCH HIERARCHY.

5. SOME OBSERVERS ACTUALLY THINK PM COSGRAVE COULD CALL ELECTION IF DEFEATED ON THIS ISSUE. OUR CONTACTS IN FINE GAEL DO NOT THINK THIS LIKELY. THEY REASON THAT COSGRAVE WOULD NOT THINK IT PROPER TO CALL AN ELECTION AFTER SHORT TERM IN OFFICE UNLESS ISSUE OF GRAVE NATIONAL IMPORTANCE WERE INVOLVED. HE DOES NOT SEE CONTRACEPTION BILL IN THIS LIGHT. HIS FRIENDS SUSPECT, IN FACT, THAT HE IS PERSONALLY OPPOSED TO LEGALIZATION OF CONTRACEPTIVES, ALTHOUGH HE WILL VOTE FOR BILL AS LEADER OF GOVERNMENT. IF BILL IS DEFEATED, LIMITED OFFICIAL USE

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FIANNA FAIL WILL PROBABLY CALL FOR VOTE OF CONFIDENCE, BUT GOVERNMENT WILL WIN IT. NEXT STEP IN SCENARIO WOULD BE FOR GOVERNMENT TO ARRANGE FOR SOME FURTHER DECISION FROM SUPREME COURT. MODIFIED BILL THEN WOULD BE INTRODUCED ON BASIS OF DECISION. EVEN MORE LIKELY, PERHAPS, COSGRAVE WILL TRY TO DRAG WHOLE DEBATE OUT FOR SEVERAL MONTHS, HOPING FOR CHANGE IN CIRCUMSTANCES BEFORE VOTE.

6. ONE OF MAIN ARGUEMENTS BEING USED BY PROPONENTS OF BILL IS THAT

ITS DEFEAT WOULD PROVIDE FURTHER FUEL FOR LOYALIST ARGUMENTS THAT SOUTH HAS HOPELESSLY SECTARIAN SOCIETY. UNFORUNATELY, CONVERSE IS NOT TRUE; PASSAGE OF BILL WOULD NOT BE EXPECTED TO MAKE MUCH IMPRESSION ON PEOPLE WHO HAVE LONG HAD LEGAL ACCESS TO CONTRACEPTIVES.

7. IN TERMS OF MEDIA COVERAGE, THIS CONTINUES TO BE PROBABLY THE HOTTEST SINGLE ISSUE IN IRISH POLICIES. TO KEEP MATTER IN PERSPECTIVE, WE THINK GOVT'S PERFORMANCE ON ECONOMIC ISSUES WILL BE MUCH MORE INTERESTING TO PUBLIC IN LONG TERM, AND GOVT ITSELF CERTAINLY ASSIGNS HIGHER PRIORITY TO NI SOLUTION. GOVT IS ALSO BEING CRITICIZED IN THESE AREAS, HOWEVER, AND IS ESPECIALLY SENSITIVE TO ACCUSATIONS THAT IT IS NOT MAKING SECURITY IMPROVEMENTS NECESSARY FOR NI SOLUTION. ONE MINISTER RECENTLY TOLD A FRIEND THAT HE WAS MUCH MORE FLOOMY THAN AT ANY TIME SINCE TAKING OFFICE. MOORE

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